

### UNITED STATES PATENT AND TRADEMARK OFFICE

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## NOTICE OF ALLOWANCE AND FEE(S) DUE

22930

7590

01/06/2005

HOWREY SIMON ARNOLD & WHITE LLP c/o IP DOCKETING DEPARTMENT 2941 FAIRVIEW PARK DR, SUITE 200 FALLS CHURCH, VA 22042-2924

EXAMINER					
GREENE, DANIEL L					
ART UNIT	PAPER NUMBER				

3621 DATE MAILED: 01/06/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,663	03/27/2000	Gary L Gastineau	11657-002001	3493

TITLE OF INVENTION: DETERMINING INTRA-DAY NET ASSET VALUE OF AN ACTIVELY MANAGED EXCHANGE TRADED FUND

APPLN. TYPÉ	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	04/06/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

#### **HOW TO REPLY TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

#### PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-145

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed wher appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address a indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.  CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)  Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, munkave its own certificate of mailing or transmission.  Certificate of Mailing or Transmission  I hereby certify that this Fee(s) Transmittal is being deposited with the Unite States Postal Service with sufficient postage for first class mail in an envelop addressed to the Mail Stop ISSUE FEE address above, or being facsimit transmitted to the USPTO (703) 746-4000, on the date indicated below.  (Depositor's name (Signature)				<b>T</b>	Alexandria, Virg	ginia 22313-1450	
CURRENT CORRENT CORRENT CONTROL CONTRO	DISTRICTIONS, This C.			or <u>Fax</u>	(703) 746-4000	ined) Blooks I through 5 c	hould be completed where
2990 1590 01/06/2005  HOWREY SIMON ARNOLD & WHITE LLP of 01 P DOCKETING DEPARTMENT 2941 FARIVEW PARK DR, SUITE 200 FALLS CHURCH, VA 22042-2924  PALLS CHURCH, VA 22042-2924  APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONTRAINS (Signature Country)  APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONTRAINON NO. 109/536,663 03/27/2000 Gay L Gastineau 11657-002001 3493  TITLE OF INVENTION: DETERMINING INTRA-DAY NET ASSET VALUE OF AN ACTIVELY MANAGED EXCHANGE TRADED FUND  APPLY TYPE SMALL ENTITY ISSUE FEE FUBLICATION FEE TOTAL FEE(S) DUE DATE DUE nonprovisional NO \$1400 \$0 \$1400 \$0 \$1400 \$0 \$1400 \$0 \$406/2005  EXAMINER ART UNIT CLASS-SUBCLASS  GREENE, DANIEL L 3621 70-5-600000  TOTAL GREENE, DANIEL L 3621 70-5-600000  TOTAL GREENE, DANIEL L 3621 70-5-600000  TOTAL GREENE, DANIEL L 3621 10-10-10-10-10-10-10-10-10-10-10-10-10-1	appropriate. All further con indicated unless corrected maintenance fee notification	rm should be used for tran rrespondence including the l below or directed otherwise ns.	Patent, advance or in Block 1, by (a	ders and notification ) specifying a new c	of maintenance fees vorrespondence address	will be mailed to the current; and/or (b) indicating a sepa	correspondence address as
HOWREY SIMON ARNOLD & WHITE LLP of DEPARTMENT 2941 FARVIVEW PARK DR, SUITE 200 FALLS CHURCH, VA 22042-2924  ### Comparison of Co					papers. Each addition:	al paper, such as an assignme	or domestic mailings of the for any other accompanying ont or formal drawing, must
c/o IP DOCKETING DEPARTMENT 2941 FARVIEW PARK DR, SUITE 200 FALLS CHURCH, VA 22042-2924			TTETTD			•	
APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO.  09/536,663 03/27/2000 Gary L Gastineau 11657-002001 3493  TITLE OF INVENTION: DETERMINING INTRA-DAY NET ASSET VALUE OF AN ACTIVELY MANAGED EXCHANGE TRADED FUND  APPLN. TYPE SMALL ENTITY ISSUE FEE PUBLICATION FEE TOTAL FEE(s) DUE DATE DUE nonprovisional NO \$1400 \$0 \$1400 04/06/2005  EXAMINER ARTUNIT CLASS-SUBCLASS  GREENE, DANIEL L 3621 705-060000  1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.53)  GREENE, DANIEL L 3621 705-060000  1. Change of correspondence address or indication form PTO/SB4/27 shatched. (27 CFR 1.54)  GREENE, DANIEL L 3621 705-060000  1. Change of correspondence address or indication form PTO/SB4/27 shatched. (28 CFR 1.54)  GREENE, DANIEL L 3621 705-060000  1. Change of correspondence address or indication form PTO/SB4/27 shatched. (27 CFR 1.54)  GREENE, DANIEL L 3621 705-060000  1. Change of correspondence address or indication form PTO/SB4/27 shatched. (28 CFR 1.54)  GREENE, DANIEL L 3621 705-060000  2. For printing on the patent front page, list (18 change) or a gent of the patent shatched or a gent of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single firm (having as a memple r 2 (2) the name of a single	c/o IP DOCKETIN 2941 FAIRVIEW	IG DEPARTMENT PARK DR, SUITE 200			I hereby certify that the States Postal Service addressed to the Mai transmitted to the USF	rifficate of Mailing of Trans his Fee(s) Transmittal is being with sufficient postage for fir il Stop ISSUE FEE address PTO (703) 746-4000, on the c	inission g deposited with the United st class mail in an envelope above, or being facsimile late indicated below.
APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO.  99/536,663 03/27/2000 Gary L Gastineau 11657-002001 3493  TITLE OF INVENTION: DETERMINING INTRA-DAY NET ASSET VALUE OF AN ACTIVELY MANAGED EXCHANGE TRADED FUND  APPLN.TYPE SMALL ENTITY ISSUE FEE PUBLICATION FEE TOTAL FEE(s) DUE DATE DUE nonprovisional NO \$1400 \$0 \$1400 04/06/2005  EXAMINER ART UNIT CLASS-SUBCLASS  GREENE, DANIEL L 3621 705-0550000  1. Change of correspondence address or indication of "Fee Address" (37) (2. For printing on the pattern front page, list (17) the names of up to 3 registered patent attorneys or agends and the names of up to 3 registered patent attorneys or agends and the names of up to 3 registered patent attorneys or agends and the names of up to 3 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends. If no name is 1 listed, no name will be printed to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends and the names of up to 1 registered patent attorneys or agends. If no name is 1 listed, no name will be printed on the patent):  (A) NAME OF ASSIGNEE  (B) RESIDENCE: (CITY and STATE OR COUNTRY)  Please check the appropriate assignee category or categories (will not be printed on the patent):  (A) Payment by credit card. Form PTO-2038 is attached.  (B) Payment by credit card. Form PTO-2038 is attached.  (B) Payment by credit card. Form PTO-2038 is attached.  (C) Payment by credit card. Form PTO-2038 is attac	TALLS CHOROLI	, 171 220 12-252 1					(Depositor's name)
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CFR 1.363).  Change of correspondence address (or Change of Correspondence Address Torm PTO/SB/122) attached.  Tee Address' indication (or "Fee Address" Indication form PTO/SB/17, Rev 0.30-02 or more recent) attached. Use of a Customer Number is required.  3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.  (A) NAME OF ASSIGNEE  (B) RESIDENCE: (CITY and STATE OR COUNTRY)  Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government 4a. The following fee(s) are enclosed:    Sew Fee	GREENE,	DANIEL L	3621		705-050000		
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PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.  (A) NAME OF ASSIGNEE  (B) RESIDENCE: (CITY and STATE OR COUNTRY)  Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government da. The following fee(s) are enclosed:    Issue Fee		RESIDENCE DATA TO B	F PRINTED ON T	<u> </u>			
Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government 4a. The following fee(s) are enclosed:    A check in the amount of the fee(s) is enclosed.   Publication Fee (No small entity discount permitted) Payment by credit card. Form PTO-2038 is attached.   Advance Order - # of Copies Payment by credit card. Form PTO-2038 is attached.   The Director is hereby authorized by charge the required fee(s), or credit any overpayment, beposit Account Number (enclose an extra copy of this form).    S. Change in Entity Status (from status indicated above)	PLEASE NOTE: Unless	s an assignee is identified be	elow, no assignee	data will appear on	he patent. If an assign	nee is identified below, the d	ocument has been filed for
4a. The following fee(s) are enclosed:    Sissue Fee		•		•	•	UNTRY)	
Issue Fee	Please check the appropriate	e assignee category or catego	ries (will not be pr	inted on the patent) :	Individual 🚨 C	Corporation or other private gr	oup entity Government
Publication Fee (No small entity discount permitted)  Advance Order - # of Copies	4a. The following fee(s) are	enclosed:	4b	o. Payment of Fee(s):	<del>-</del>		
Advance Order - # of Copies Deposit Account Number be centered by charge the required fee(s), or credit any overpayment, a Deposit Account Number (enclose an extra copy of this form).  5. Change in Entity Status (from status indicated above)  a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).  The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party interest as shown by the records of the United States Patent and Trademark Office.  Date				The state of the s			
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The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.  NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party interest as shown by the records of the United States Patent and Trademark Office.  Authorized Signature		•	•	<b>D</b>			
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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to proces an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete the confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete the collection is estimated to take 12 minutes to comp							

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

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	HOWREY SIMON ARNOLD & WHITE LLP  c/o IP DOCKETING DEPARTMENT		DANIEL L		
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# Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.